

Restriction Requirement

In the Office Action dated May 19, 2000, the Examiner set forth a Restriction Requirement requiring election of one of the following groups of claims:

- Group I: claims 1, 2, 4-12, and 14-21, drawn to nucleic acids, polypeptides encoded by the nucleic acids, vectors and cells comprising the nucleic acids, and methods of using the nucleic acids as probes of expression;
- Group II: claim 3, drawn to sequence data;
- Group III: claim 13, drawn antibodies specific for the polypeptides of Group I.

Applicants hereby elect to prosecute the claims of Group I, claims 1, 2, 4-12, and 14-21, with traverse.

Applicants respectfully traverse the Restriction Requirement on the grounds that the claims of Group I (drawn to polynucleotides, a recombinant host cell, and a vector) can be readily examined with the claims of Group II (drawn to sequence data). Applicants respectfully submit that examination of these groups together would not pose an undue burden on the Examiner, since a search for prior art relevant to patentability of the claims of Group I would also be relevant to the patentability of the claims of Group II, and vice versa. In short, a search to determine the patentability of a specific polynucleotide comprising a recited sequence would also encompass art relevant to the patentability of a library comprising the sequence data in computer-readable form.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application.

Applicants submit that cancellation of all original claims and presentation of new claims 22-111 does not indicate that applicants' traverse of the Restriction Requirement is moot, and applicants respectfully reserve the right to re-present claims directed to the subject matter of Group II. **The newly presented claims 22-101 correspond to subject matter of Group I.**

Sequence Election Requirement Under MPEP §803.04

In addition to the Restriction Requirement, the Office Action further required a election of ten (10) sequences for examination in the elected Group. Applicants hereby elect to prosecute the polynucleotides having the sequences of SEQ ID NOS:65, 253, 329, 739, 1186, 1780, 1899, 1938, 1998, and 2007. The claims pending after entry of the amendments set forth above are now directed to these elected polynucleotides.

The claims which correspond to each of the elected sequences are summarized in the table below.

SEQ ID NO	Claims
65	22-30
253	31-39
329	40-48
739	49-57
1186	58-66
1780	67-75
1899	76-84
1938	85-93
1998	94-102
2007	103-110

Response to Notice to Comply

A Sequence Listing in computer readable form as required by 37 CFR §1.824 is submitted herewith. In addition, applicant submits a Sequence Listing as required under 37 CFR §1.823(a) and a statement under 37 CFR § 1.821(b).

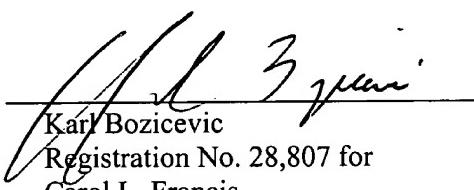
I hereby state that this Sequence Listing submission, filed in accordance with 37 CFR §1.821(g), does not contain new matter. Furthermore, as per 37 CFR §1.821(f), I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same and that the sequence listings contain no new matter.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,
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Date: August 28, 2000

By:


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